

Message Text

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C O N F I D E N T I A L SECTION 1 OF 3 USBERLIN 0827

E O 11652: GDS
TAGS: PFOR, WB, UR, US, UK, FR
SUBJ: STATUS OF SOVIET CONSULATE GENERAL PERSONNEL IN WEST BERLIN

1. SUMMARY: SOVIET CONSULATE GENERAL HAS RAISED
OBJECTION TO APPLICATION OF LONG-STANDING ALLIED PRACTICE
IN WEST BERLIN WHICH LIMITS TO 10 THE NUMBER OF
CONSULAR OR MILITARY MISSION EMPLOYEES WHO RESPECTIVELY
ARE ACCORDED PRIVILEGES AND IMMUNITIES UNDER THE VIENNA
CONSULAR CONVENTION AS APPLIED IN WEST BERLIN, OR ARE
COVERED BY SPECIAL REGULATIONS GOVERNING MILITARY
MISSIONS LOCATED HERE SINCE END OF WORLD WAR II. ISSUE
HAS BEEN DISCUSSED IN GENERAL TERMS WITH SOVIETS ON
SEVERAL OCCASIONS OVER PAST TWO TO THREE YEARS BUT ONLY
RECENTLY HAS ISSUE COME TO A HEAD. CONSULATE GENERAL
NOW THREATENS TO RAISE THE MATTER AT "HIGHER LEVEL" IF
SATISFACTORY RESPONSE TO ITS COMPLAINT NOT GIVEN.
END SUMMARY.

2. SOVIET CONSUL KOSOBRODOV CALLED ON US PROTOCOL
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OFFICER MARCH 18 TO DELIVER ORAL STATEMENT CONCERNING
LONG-STANDING ALLIED POSITION ON THE STATUS OF EMPLOYEES
OF SOVIET CONSULATE GENERAL IN WEST BERLIN. ALTHOUGH
SOVIET REPRESENTATIVES USUALLY LEAVE BEHIND TEXTS OF
STATEMENT AS NON-PAPER IN SUCH CASES, KOSOBRODOV CHOSE
NOT TO DO SO IN THIS INSTANCE. THE FOLLOWING IS
MISSION'S INFORMAL TRANSLATION OF HIS PRESENTATION,

BASED ON OUR NOTES TAKEN AT THE TIME.

BEGIN TEXT: THE STATEMENT OF THE HEAD OF THE PROTOCOL SECTION OF THE AMERICAN MISSION CONCERNING LIMITATIONS OF THE NUMBERS OF STAFF MEMBERS (MITARBEITER) OF THE SOVIET CONSULATE GENERAL IN THE WESTERN SECTORS OF BERLIN WHO MAY BE INCLUDED IN THE OFFICIAL LIST OF MILITARY MISSIONS AND CONSULAR OFFICES IN BERLIN, AND ARE ENTITLED TO OBTAIN A BUFF IDENTITY CARD AS LAID DOWN IN THE CIRCULAR NOTE FROM THE ALLIES TO THE CONSULATES AND MISSIONS IN BERLIN IN NOVEMBER 1967, CANNOT BE ACCEPTED BY THE SOVIET CONSULATE GENERAL. AS IS WELL KNOWN, THE QUADRIPARTITE AGREEMENT ESTABLISHED THE BASIS FOR THE SOVIET CONSULATE GENERAL. THE QUADRIPARTITE AGREEMENT ESTABLISHED THAT THE NUMBER OF EMPLOYEES OF THE SOVIET CONSULATE GENERAL MAY NOT EXCEED 20. WITH RESPECT TO THE DETAILS OF THE ESTABLISHMENT OF THE CONSULATE GENERAL, WHICH WERE DISCUSSED DURING THE NEGOTIATIONS ON THE QUADRIPARTITE AGREEMENT AND PRIOR TO THE OPENING OF THE CONSULATE GENERAL DURING THE SPRING AND SUMMER OF 1972, IT WAS NEVER MADE KNOWN THAT THERE WAS TO BE A PROPORTIONAL DIVISION (PROPORTZ) BETWEEN TECHNICAL STAFF MEMBERS AND DIPLOMATIC PERSONNEL. NEVER WAS THIS POINT FIXED IN ANY DOCUMENT OR IN ANY NEGOTIATION. IT APPEARS TO THE SOVIET CONSULATE GENERAL THAT THIS RESTRICTION IS AN INVENTION WHICH IS AN OUTGROWTH OF A CURRENT (MOMENTAN) WISH TO IMPLEMENT REGULATIONS RETROACTIVELY IN A MANNER TO RESTRICT THE ACTIVITIES OF THE CONSULATE GENERAL AND TO CHANGE UNILATERALLY THE CONFIDENTIAL

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TERMS OF ITS ESTABLISHMENT IN WEST BERLIN.

I WANT TO DRAW ATTENTION TO THE FACT THAT IF THE CONSULATE GENERAL GETS NO SATISFACTORY ANSWER TO THIS QUESTION, IT WILL FEEL COMPELLED TO CONTEST THIS POSITION OF THE UNITED STATES AS STATED BY THE REPRESENTATIVE OF THE US MISSION, AND REPORT THE SITUATION TO ITS SUPERIORS (SO THAT THIS QUESTION CAN BE RAISED AT A HIGHER LEVEL WHERE IT IS EXPECTED THAT A SOLUTION CAN BE FOUND. END TEXT.

2. US PROTOCOL OFFICER, WHO NORMALLY HANDLES ALL ALLIED ADMINISTRATIVE BUSINESS INVOLVING SOVIET CONSULATE GENERAL UNDER ESTABLISHED ALLIED PRACTICES IN WEST BERLIN, SAID HE WOULD ADVISE HIS AUTHORITIES OF

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KOSOBRODOV'S STATEMENT AND PASS IT ON TO HIS BRITISH
AND FRENCH COLLEAGUES AS WELL. AS INDICATED
BY TEXT OF SOVIET STATEMENT THIS WAS NOT FIRST EXCHANGE
WE HAVE HAD WITH THE SOVIETS ON THIS ISSUE. CRUX OF
MATTER IS THAT SOVIETS REFUSE TO ACCEPT AS APPLICABLE
FOR SOVIET CONSULATE GENERAL LONG-STANDING ALLIED PRACTICE
WHICH WAS MADE EXPLICIT IN 1967 AND HAS BEEN IMPLICIT
SINCE FOUNDING OF MILITARY MISSIONS,
CONSULATES, CONSULATES GENERAL AND DELEGATIONS IN
WEST BERLIN TO WHOM FULL RANGE OF PRIVILEGES AND IM-
MUNITIES WOULD BE EXTENDED WOULD BE LIMITED TO 10
PERSONS. (ADDITIONAL STAFF MEMBERS SERVING AT
MILITARY MISSIONS OR CONSULATAR ESTABLISHMENT ARE
OFFERED, ON BASIS OF LOCAL PRACTICE, EXTREMELY LIMITED
PRIVILEGES BY ALLIED AUTHORITIES WITH VIRTUALLY NO
IMMUNITY FROM LOCAL GERMAN (BERLIN) LAW.)

3. FOR BENEFIT OF ADDRESSEES, BACKGROUND FOR THIS
COMPLEX PROBLEM IS BRIEFLY AS FOLLOWS: WHEN ALLIES
DECIDED TO INVITE VICTORIOUS NATIONS TO ESTABLISH
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MISSION IN WEST BERLIN IN 1945, IT WAS AGREED ON A
QUADRIPARTITE BASIS THAT SUCH MISSIONS WOULD BE LIMITED
TO 10 ACCREDITED STAFF EACH. INITIALLY, ON THE IN-

VITATION OF THE ALLIES, 16 NATIONS ESTABLISHED MILITARY MISSIONS IN BERLIN. DURING THE EARLY 1950'S, A NUMBER OF OTHER STATES ESTABLISHED CONSULATES, CONSULATES GENERAL OR DELEGATIONS IN THE WESTERN SECTORS OF BERLIN, AND THE ALLIED ADMINISTRATION OVER THEM WAS SOMETHING LESS THAN UNIFORM. BY THE MID-1960'S, THE THREE WESTERN ALLIES FOUND IT NECESSARY TO ESTABLISH UNIFORM ADMINISTRATIVE PRACTICES FOR ACCREDITING AND ADMINISTERING FOREIGN MILITARY AND CONSULAR ESTABLISHMENTS IN THE WSB. IN 1967, ACTING ON A TRIPARTITE BASIS, THE ALLIES AGREED TO MAINTAIN THE LIMIT OF 10 ON THE NUMBER OF CONSULAR AND DIPLOMATIC PERSONNEL ACCREDITED TO WESTERN SECTORS OF BERLIN WHO WOULD BE GRANTED THE FULL RANGE OF APPLICABLE IMMUNITIES AND PRIVILEGES. IT WAS ALSO AGREED AT THAT TIME THAT ADDITIONAL STAFF MEMBERS WOULD BE GRANTED THE PRIVILEGE OF DRIVING AUTOMOBILES WITH CONSULAR CORPS (CC) LICENSE PLATES, AND THAT SUCH ADDITIONAL MEMBERS WOULD BE ISSUED IDENTITY DOCUMENTS BY THE ALLIES ESTABLISHING THAT THEY WERE MEMBERS OF A MILITARY MISSION OR CONSULATE OR CONSULATE GENERAL IN LIEU OF REQUIRING THEM TO OBTAIN A WEST BERLIN RESIDENCE PERMIT. NO OTHER PRIVILEGES OR IMMUNITIES WERE TO BE EXTENDED TO ADDITIONAL STAFF PERSONNEL. AS A MATTER OF PRACTICE, THOSE MEMBERS OF MILITARY MISSIONS AND CONSULAR ESTABLISHMENTS IN WEST BERLIN ENTITLED TO A FULL RANGE OF PRIVILEGES AND IMMUNITIES OFFERED UNDER ALLIED LEGISLATION IN WEST BERLIN ARE LISTED IN THE OFFICIAL LIST OF MILITARY MISSIONS AND CONSULAR OFFICES IN BERLIN, AND ARE PROVIDED A DISTINCTIVE BUFF COLORED IDENTITY DOCUMENT BY THE ALLIES. ALL OTHER STAFF PERSONNEL CARRY A BUFF IDENTITY DOCUMENT WITH A GREY BAR SINISTER RUNNING ACROSS THE COVER.

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4. WHEN THE SOVIET CONSULATE GENERAL WAS ESTABLISHED IN WEST BERLIN IN 1972, THE USMISSION, WHICH IS RESPONSIBLE FOR THE ISSUANCE OF IDENTITY CARDS TO MEMBERS OF THE SOVIET CONSULATE GENERAL STAFF, ISSUED THE BUFF IDENTITY CARD TO THE 10 INDIVIDUALS WHOM THE SOVIETS SAID SHOULD BE LISTED ON THE OFFICIAL LIST OF MILITARY MISSIONS AND CONSULAR OFFICES. THE REMAINING 10 SOVIET OFFICIALS PROVIDED FOR UNDER THE QA WERE ISSUED CONSULAR STAFF IDENTITY CARDS BEARING THE GREY BAR SINISTER. FROM TIME TO TIME DURING THE FIRST TWO AND A HALF YEARS AFTER THE SOVIET CONSULATE GENERAL WAS ESTABLISHED, THE SOVIET CONSUL RESPONSIBLE FOR ADMINISTRATIVE MATTERS AT THE CONSULATE GENERAL (KOSOBRODOV) SOUGHT BY ONE MEANS OR ANOTHER TO HAVE THE NUMBER OF SOVIET OFFICIALS LISTED IN THE OFFICIAL LIST

OF MILITARY MISSIONS AND CONSULAR OFFICES EXPANDED TO
AT LEAST 11 IN ORDER TO DEMONSTRATE THAT THE SOVIET
CONSULATE GENERAL WAS MORE IMPORTANT, AND HAD MORE
PRIVILEGES THAN OTHER CONSULATES GENERAL IN WEST BERLIN.
IN LATE NOVEMBER 1976, KOSOBRODOV ATTEMPTED BY

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A RUSE TO GET A ELEVENTH STAFF MEMBER ON. THE
US PROTOCOL OFFICER ADVISED KOSOBRODOV THAT THE
CONSULATE GENERAL COULD PLACE ANYONE IT WISHED ON THE
LIST OF OFFICIAL MILITARY MISSION AND CONSULAR OFFICES
IN BERLIN BUT A MAXIMUM OF 10 WAS PLACED ON THE NUMBER
ON THE LIST. IF THE SOVIETS WISHED TO REPLACE SOMEONE
ALREADY ON THE OFFICIAL LIST WITH A NEW CANDIDATE, THE
PERSON ON THE LIST WOULD HAVE TO TURN IN HIS BUFF
COLORED CONSULAR ID CARD, AND ACCEPT A LESSER BAR
SINISTER ID CARD, AND THE LESSER STATUS WHICH IT
INDICATED. INITIALLY THE SOVIETS RAISED NO OBJECTION
TO OUR EXPLANATION ABOUT STATUS OF ITS CONSULAR GENERAL
STAFF MEMBERS. SUBSEQUENTLY, HOWEVER, AT RECEPTION
AT SOVIET CONSULATE GENERAL IN DECEMBER, SOVIET CONSUL
GENERAL BYKOV COMPLAINED ABOUT DISTINCTION MADE BY ALLIES
BETWEEN "FULL DIPLOMATIC" AND "TECHNICAL STAFF MEMBERS"
AND ARGUED THAT QUADRIPARTITE AGREEMENT PERMITTED SOVIET
CONSULATE GENERAL TO BE STAFFED BY 20 "DIPLOMATS".
OUR INFORMAL RESPONSE TO BYKOV WAS TO EXPLAIN ESTABLISHED
PROCEDURES AS OUTLINED IN PARA 3 ABOVE AND TO STATE

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THAT SOVIET CONSULATE GENERAL ADMINISTERED UNDER SAME REGIME AS OTHER CONSULAR ESTABLISHMENTS AND MILITARY MISSIONS AND THAT IT HAD NO SPECIAL STATUS. DURING JANUARY CALL BY KOSOBRODOV AT MISSION US PROTOCOL OFFICER PROVIDED SOVIETS TRIPARTITELY AGREED RESPONSE ON ALLIED POSITION AND ALSO PROVIDED CONSULATE GENERAL WITH COPY OF 1967 ALLIED NOTE WHICH HAD BEEN CIRCULATED TO ALL THEN EXISTING CONSULATES, CONSULATES GENERAL DELEGATIONS AND MILITARY MISSIONS EXPLAINING THE DISTINCTION DRAWN BETWEEN FULLY ACCREDITED STAFF MEMBERS AND TECHNICAL SUPPORT STAFF. KOSOBRODOV CALL AT MISSION ON MARCH 18 WAS A FOLLOW-UP TO OUR EARLIER PRESENTATIONS TO HIM AND BYKOV.

5. RESPONDING TO KOSOBRODOV ON MARCH 18, US PROTOCOL OFFICER CORRECTED SOVIET'S ASSERTION THAT STATEMENT MADE IN EARLY JANUARY WAS SOLELY AN AMERICAN STATEMENT. PROTOCOL OFFICER POINTED OUT THAT STATEMENT HAD BEEN GIVEN WITH THE FULL APPROVAL OF THE OTHER ALLIED MISSIONS. ADDRESSING THE SUBSTANCE OF KOSOBRODOV'S PRESENTATION, US PROTOCOL OFFICER SAID REGULATIONS GOVERNING THE EXTENSION OF PRIVILEGES AND IMMUNITIES GRANTED MEMBERS OF THE SOVIET CONSULATE GENERAL WERE NOT A RECENT INNOVATION OF ALLIES BUT HAD BEEN IN EXISTENCE SINCE WELL PRIOR TO THE ESTABLISHMENT OF THE CONSULATE GENERAL. US PROTOCOL OFFICER ALSO REJECTED CONTENTION IN SOVIET STATEMENT THAT ALLIES HAD ONLY RECENTLY IMPLEMENTED PROCEDURES WITH RESPECT TO THE SOVIET CONSULATE GENERAL IN AN EFFORT TO CURTAIL ITS ACTIVITIES IN WEST BERLIN. KOSOBRODOV, BEFORE DEPARTING, CAUSUALLY BUT POINTEDLY ASKED WHETHER ALLIED POSITION ON THIS ISSUE HAD BEEN CLEARED BY ALLIED AUTHORITIES OUTSIDE BERLIN. US PROTOCOL OFFICER AFFIRMED THAT IT HAD BEEN.

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5. COMMENT: WE FIND IT DIFFICULT TO BELIEVE THAT SOVIETS COULD NOT OR DID NOT KNOW ABOUT ESTABLISHED PRACTICES GOVERNING STATUS OF CONSULAR EMPLOYEES IN WEST BERLIN SINCE THEY HAD ALREADY BEEN IN EFFECT FOR YEARS WHEN SOVIET CONSULATE GENERAL WAS ESTABLISHED. FURTHER, WE CANNOT BELIEVE THAT THEY DID NOT NOTICE

THAT MEMBERS OF THE CONSULATE GENERAL HAD RECEIVED TO TYPES OF IDENTITY CARDS SINCE ESTABLISHMENT HERE, AND NEVER ASKED THEMSELVES (OR ALLIES) THE REASON FOR ISSUANCE OF TWO TYPES OF CARDS. WE BELIEVE SOVIETS HAVE KNOWN ALL ALONG THAT ALLIES DISTINGUISHED BETWEEN TECHNICAL AND DIPLOMATIC PERSONNEL ONLY IN THE PAST COUPLE OF MONTHS HAVE THEY FELT A NEED OR AN OBLIGATION TO CHALLENGE APPLICATION TO CONGEN STAFF. ADDRESSEES WILL NOTICE THAT WHILE QUADRIpartite AGREEMENT LIMITS TO 20 SOVIET NATIONALS, GENERAL STAFF, NO DISTINCTION IS MADE IN QA AS TO THEIR STATUS. CAREFUL MISSION REVIEW OF TRIPARTITELY AGREED NEGOTIATING PAPERS USED BY ALLIED POLADS WHEN DISCUSSING WITH SOVIETS PROCEDURAL QUESTIONS RELATED TO THE OPENING OF THE SOVIET CONSULATE GENERAL IN WESTERN SECTORS OF BERLIN REVEALED THAT ALLIES WERE PREPARED TO INFORM SOVIETS THAT ONLY 10 MEMBERS OF THE CONSULATE GENERAL STAFF WOULD BE ENTITLED TO CONSULAR PRIVILEGES AND IMMUNITIES IN WSB BUT ONLY IF SOVIETS RAISED QUESTION. APPARENTLY, HOWEVER, THE SOVIETS NEVER DID. THUS IT IS CONCEIVABLE THAT FIRST TIME ALLIED OFFICIAL EXPLAINED GROUND RULES TO SOVIET OFFICIAL IN DETAIL WAS IN NOVEMBER 1976. DEPARTMENT MAY WISH TO EXPLORE THIS POINT WITH FORMER US PROTOCOL OFFICER NOW POSTED IN DEPARTMENT.

7. WE ARE CONSULTING WITH OUR BRITISH AND FRENCH ALLIES ON SOVIET APPROACH AND WILL PROPOSE ALLIED RESPONSE WHICH WE WOULD RECOMMEND BE DELIVERED TO SOVIET CONSULATE GENERAL BYKOV. ONCE CONCURRENCE ON TEXT HAS BEEN REACHED IN BERLIN WE WILL FORWARD
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TEXT TO BONN GROUP AND DEPARTMENT.GEORGE

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Message Attributes

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